

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JORDANA MARINKOVIC
BAUMAN,

Appellant,

v.

THOMAS BILLINGSLEA,

Appellee.

Case No. 14-cv-408-BAS (DHB)
Bankr. Case No. 11-11223-PB13

ORDER DISMISSING APPEAL

Before the Court is Appellant-Debtor Jordana Marinkovic Bauman's appeal of the dismissal of her Chapter 13 bankruptcy proceeding. ECF 1. United States District Court Judge Bencivengo was assigned the case and set the deadline for Appellant's brief for July 18, 2014. ECF 9. After this appeal was transferred to this Court on May 13, 2014, the Court reset the same deadline for Appellant's brief. ECF 13. Currently, Appellant's brief is overdue by more than three months.

On September 9, 2014, Appellant submitted a notice informing the Court of a stroke. Appellant's Update, ECF 17. In that notice, she stated she "did ask to have any responsibilities in this matter continued for six months, in order to allow sufficient recovery and sufficient accommodations due to the disabilities created

1 by the stroke.” Update 2:4–6. However the Court has not received any motions or
2 *ex parte* applications requesting an enlargement of time to file the briefing.


3 Appellants appealing a bankruptcy court decision must “follow the same
4 rules of procedure that govern other litigants.” *Nielsen v. Price*, 17 F.3d 1276 (10th
5 Cir. 1994) (quoting *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992)). It is
6 failure to prosecute if the appellant does not submit briefing within the time
7 designated by the district court and is grounds for dismissal of the appeal. *Nielsen*,
8 17 F.3d at 1276 (citing Bankr.R. 8009(a)).

9 This Court issued a Show Cause Order on October 30, 2014. ECF 20. The
10 Court ordered Bauman to show cause why this appeal should not be dismissed, on
11 or before November 14, 2014. Bauman failed to do so. The Court therefore has no
12 basis to excuse her neglect in prosecuting this case. *See Pincay v. Andrews*, 389
13 F.3d 853, 855 (9th Cir. 2004).

14 Accordingly, the Court dismisses this appeal. The Court **ORDERS** this
15 matter **DISMISSED**.

16 **IT IS SO ORDERED.**

17 **DATED: November 20, 2014**


Hon. Cynthia Bashant
United States District Judge